

I. INTRODUCTION

This branch administers the Perishable Agricultural Commodities Act (PACA), which prohibits unfair trade practices in the marketing of fresh and frozen fruits and vegetables in interstate or foreign commerce and the Produce Agency Act (PAA). The position is located a regional office of the branch.

The incumbent serves as a Fruit and Vegetable Marketing Specialist responsible for handling complaint, license and trust matters originating under the PACA, and complaint matters originating under the PAA.

II. MAJOR DUTIES

Handles complex contractual disputes involved in reparation complaints through correspondence or personal contact with the parties involved. Gathers pertinent data and information pertaining to the complaint; conducts investigations, as required; and, prepares detailed analysis of results and findings. Makes use of alternative dispute resolution techniques to resolve disputed reparation complaints whenever possible.

Conducts complex personal investigations and audits of business records to verify accounts of sales, assemble evidence for use in administrative or court proceedings, prevent or correct unfair practices in the trading of perishable agricultural commodities, determine need for licenses, and evaluate financial status of fruit and vegetable traders. Prepare written analyses of results of audits and findings of investigations.

Personal investigations generally require overnight travel within the regional office boundaries and at times to other parts of the country for periods of one to three weeks. Overall travel may range between 20 to 35 percent of the time.

Conducts the range of licensing activities of firms within the region. Determines geographic areas to conduct prospecting based on industry contacts/activities and on data and information found in trade journals and other publications. The work involves examining books and records of produce firms for the purpose of determining whether a PACA license is required. Reviews operations of packers, dealers, retailers, and marketing agents to assure compliance with the licensing, bonding, and employment provisions of the PACA when necessary.

Updates the Branch database with information and activities related to complaint, license, violator, and administrative matters.

Provides counseling services and advice on the range of program operations/activities to industry members. Advises industry members of their rights/responsibilities/obligation under the various Acts.

Appears as official government witness at administrative hearings and court proceedings involving actions brought under the PACA.

Adheres to Equal Employment and Civil Rights policies, goals, and objectives in performing the duties of this position. Assures that written and oral communications are bias-free and that differences of other employees and clients are respected and valued.

III. FACTORS

A. Knowledge Required by the Position:

Thorough knowledge of the PACA and the PAA and the rules, regulations, and precedents established thereunder,

Knowledge of production, marketing, and distribution procedures unique to the fresh and frozen fruit and vegetable industry.

Knowledge of the grading procedures and U.S. grade standards for fruits and vegetables.

Ability to analyze evidence and develop findings and recommendations as a result of investigations under license, complaint, disciplinary, and trust provisions of the PACA.

Knowledge of various laws relating to business structures, bankruptcy, and state regulatory functions.

B. Supervisory Controls:

The incumbent is under the general supervision of the Regional or Assistant Regional Director. The incumbent handles assignments to a conclusion on own initiative. The supervisor is available for guidance on cases that are controversial or are of a policy/precedent setting nature. Work is reviewed for achievement of overall objectives.

C. Guidelines:

Guidelines consist of enabling statutes as well as a variety of Branch, Division, and Agency regulations, policies and procedures. Guidelines also include USDA and court precedent decisions involving contracts, agency, and fair trade practice, as well as bankruptcy laws and various State laws. The incumbent interprets and applies the guidelines to a variety of different situations. The employee adapts the guidelines to specific cases and one-of-a-kind situations; the employee consults with the supervisor only in matters involving complex issues.

D. Complexity:

The work involves resolving highly technical contractual disputes requiring knowledge of many aspects of marketing. Also, involves the ability to extract information, obtain evidence, and reach conclusions on data obtained from diverse business records.

E. Scope and Effect:

The work product has a direct and substantial impact on fair trade practices in the

industry. Large sums of money, and even the right of fruit and vegetable traders to engage in business, can be affected by the recommendations of the incumbent.

F. Personal Contacts:

The employee maintains contacts with co-workers, other employees of the Branch, Division and Agency; members of the fruit and vegetable industry and related industries, such as truckers and railroad officials; attorneys; other Federal agency officials; and state government officials. Contacts are sometimes made under adverse conditions, and incumbent will encounter hostility and occasional aggressive behavior from individuals subject to sanctions under the laws.

G. Purpose of Personal Contacts:

The purpose of the contacts are to provide advice on contractual disputes, obtain evidence for administrative and court proceedings, resolve complaint and license issues and provide advice and guidance to industry members.

H. Physical Demands:

There are no special physical demands required; however, there may be occasional standing, bending, walking, and carrying of relatively light items such as files or business records.

I. Work Environment:

The work is performed in an office setting; however there may be occasional exposure to high risk situations typical of fruit and vegetable processing plants, distribution warehouses, and storage areas.